

Notice of Allowability	Application No.	Applicant(s)
	09/931,581	TAKIKITA, MAMORU
	Examiner Lisa Hashem	Art Unit 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Amendment filed on 6-28-07.
2. The allowed claim(s) is/are 1 and 4-6.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance:
upon close review of the claims, the prior art, and applicant's remarks it appears that the allowance of claims 1 and 4-6 are appropriate.

The prior art of U.S. Patent No. 5,825,299 by Fuentes et al (hereinafter Fuentes) discloses a narrow band communication mounted apparatus (Fig. 4, 116; e.g. transponder) comprising (see Abstract; col. 7, lines 31-42; col. 9, lines 17-30): a radio-communication portion (Fig. 4, 126; e.g. responder) for sending and receiving with an on-target site device (Fig. 4, 111; e.g. transceiver) via an antenna (Fig. 4, 115) (col. 7, lines 31-46; col. 7, line 62 – col. 8, line 10; col. 9, lines 17-30), a field intensity measuring portion (Fig. 1, 117; e.g. supply circuit) for detecting a radio field intensity (Fig. 4, 114; e.g. RF interrogation field) (col. 7, lines 42-47), a control microcomputer (Fig. 4, 119; e.g. variable code generator) for controlling various equipment (Fig. 4: 127-131) and a nonvolatile memory (Fig. 4, 120; e.g. readable memory) (col. 8, lines 11-47), wherein said control microcomputer stores in said nonvolatile memory randomly generated communication registration identification data (e.g. K2) when communication is opened or when said apparatus starts up (i.e. receiving an interrogation signal from the transceiver) (col. 7, line 47 – col. 8, line 10), and communication is performed using communication registration identification data stored in said nonvolatile memory in a case where said apparatus is in a communication range

when said apparatus starts up (col. 7, line 47 – col. 8, line 10; col. 8, line 59 – col. 9, line 12), wherein said randomly generated communication registration identification data is generated based on a start instruction released from the transceiver (col. 7, lines 42-61), and wherein said narrow band communication mounted apparatus is mounted to a human or animal (col. 9, lines 17-30).

Therefore, Fuentes does not meet the requirements of the claimed invention, which requires:

a vehicle-mounted apparatus communicating with an on-road device and generating data based on measuring a field intensity., as cited in claim 1.

U.S. Pat. No. 6,493,557 by Yoshida discloses a narrow band communication vehicle-mounted apparatus (Fig. 1; i.e. communication system in a vehicle; col. 3, lines 1-26) comprising (see Abstract):

data is generated based on a field intensity measured by a field intensity measuring portion (Fig. 1: 1, 2, 4) for detecting a radio field intensity (col. 3, lines 13-26; col. 5, lines 13-56), and wherein said narrow band communication vehicle-mounted apparatus is mounted to a vehicle (col. 3, lines 1-11).

The combination of Fuentes in view of Yoshida still fails to disclose the claimed invention because the generated data of Yoshida includes calculating time and weight charges related to a radio-communication portion in the narrow band communication vehicle-mounted apparatus when the apparatus is in a communication range, however, this generated data is not the randomly generated registration identification data (i.e. K2) in Fuentes.

U.S. Pat. No. 6,339,381 by Takikita (inventor of instant application) discloses

a narrow band communication vehicle-mounted apparatus (Fig. 1) comprising (see Abstract): executing data based on a field intensity measured by a field intensity measuring portion (Fig. 1: 12, 14, 15, 16) for detecting a radio field intensity (col. 7, lines 20-41; col. 8, line 27 - col. 9, line 30), and wherein said narrow band communication vehicle-mounted apparatus is mounted to a vehicle (col. 6, lines 13-32).

The combination of Fuentes in view of Takikita still fails to disclose the claimed invention because the executed data of Takikita includes executing data with an on-road device related to a toll communication with the narrow band communication vehicle-mounted apparatus by determining the electric field intensity within standards of a communication range to perform toll communication, however, this executed data is not the randomly generated registration identification data (i.e. K2) in Fuentes.

Thus, the prior art does not disclose the claimed limitation ‘...said randomly generated communication registration identification data is generated based on the field intensity measured by the field intensity measuring portion...’.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.
4. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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September 17, 2007


JAN TSANG
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TECHNOLOGY CENTER 2600